

SENATE FILE NO. SF0043

Wyoming Telecommunications Act revisions.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to telecommunications; amending the Wyoming
2 Telecommunications Act as specified; extending the Wyoming
3 Telecommunications Act's sunset date; amending the
4 authority of the public service commission; amending
5 regulatory authority over telecommunications companies
6 deemed to be competitive; amending the operation of the
7 Wyoming universal service fund; providing an alternative
8 distribution option for the Wyoming universal service fund;
9 establishing a benchmark price for essential local exchange
10 services; providing standards for the review and alteration
11 of the benchmark price; establishing a cap on additional
12 expenditures related to the Wyoming universal service fund;
13 and providing for an effective date.

14

15 *Be It Enacted by the Legislature of the State of Wyoming:*

1

2 **Section 1.** W.S. 37-15-101(b), 37-15-202(a)(intro),
3 (c), (d)(i) and by creating new subsections (h) and (j) and
4 37-15-501(b) through (e) and by creating new subsections
5 (g) and (h) are amended to read:

6

7 **37-15-101. Short title; sunset.**

8

9 (b) This chapter is repealed effective July 1, ~~2015~~
10 2019.

11

12 **37-15-202. Determination of competitive services.**

13

14 (a) Upon petition by any telecommunications company
15 or pursuant to the commission's own motion, the commission
16 may, after notice and opportunity for hearing, find and
17 conclude that a telecommunications service is subject to
18 competition. Any service found to be effectively
19 competitive pursuant to this section shall not be subject
20 to regulation ~~of prices~~ by the commission. The commission
21 shall consider only the following factors in determining
22 whether a telecommunications service is subject to
23 effective competition:

1

2 (c) Telecommunications service provided by new
3 entrants, local exchange services provided by resale,
4 telecommunications services provided by interexchange
5 telecommunications companies, interexchange
6 telecommunications services and telecommunications services
7 other than local exchange service and switched access
8 provided by a local exchange company shall be considered
9 subject to competition for purpose of regulation under this
10 title. Notwithstanding the foregoing, local exchange
11 service may be determined to be competitive pursuant to
12 subsection (a) of this section.

13

14 (d) Notwithstanding subsection (a) of this section
15 the commission shall, in an area defined by an applicant,
16 find retail telecommunications services other than switched
17 access are competitive provided:

18

19 (i) At least seventy-five percent (75%) of the
20 class of customers in the area have access to at least one
21 (1) landline carrier unaffiliated with the applicant
22 providing ~~telecommunications service that includes~~ local
23 voice ~~telecommunications~~ service. The local voice

1 ~~telecommunications~~ service may be provided in combination
2 with other services. If a company does not differentiate
3 between residential and business classes of service in its
4 application, the requirement shall be that at least sixty
5 percent (60%), considering residential and business
6 customers as one (1) class of customers, have access to at
7 least one (1) landline carrier unaffiliated with the
8 applicant;

9
10 (h) Nothing in this section affects or modifies:

11
12 (i) Any applicable wholesale tariff or any
13 commission authority to implement or enforce any rights,
14 duties or obligations of any party related to wholesale
15 services;

16
17 (ii) Any entity's obligations or rights or
18 commission authority under the Federal Communications Act
19 of 1934, 47 U.S.C. 251 and 252;

20
21 (iii) Any commission jurisdiction over
22 intrastate switched access rates, terms and conditions,

1 including the implementation of federal law with respect to
2 intercarrier compensation;

3
4 (iv) Any commission jurisdiction or authority
5 pursuant to W.S. 37-15-401(a)(vii), including commission
6 jurisdiction or authority to address federal high cost fund
7 or federal universal service fund issues.

8
9 (j) Services found to be competitive under subsection
10 (a), (c) or (d) of this section shall be subject to the
11 following:

12
13 (i) Any required assessments under W.S.
14 37-15-501 and 37-15-502;

15
16 (ii) Any required assessment of 911 or E911
17 emergency service taxes as provided in title 16, chapter 9,
18 article 1 of the Wyoming statutes;

19
20 (iii) Any required special fee under W.S.
21 16-9-209;

22

1 (iv) Any required assessment levied under W.S.
2 37-2-106 through 37-2-109;

3
4 (v) Certification as applicable under W.S.
5 37-15-201.

6
7 **37-15-501. Universal service fund created;**
8 **contributions; administration.**

9
10 (b) The commission shall after notice and opportunity
11 for hearing, designate the method by which the
12 contributions shall be calculated, collected and
13 distributed. The commission shall authorize ~~an additional~~ a
14 monthly charge to customers, in the amount specified by the
15 commission, to recover each contributor's required payment
16 to the universal service fund. Any charge related to mobile
17 telecommunications service shall only apply if the
18 customer's place of primary use is in this state as
19 provided by the Mobile Telecommunications Sourcing Act, 4
20 U.S.C. §§ 116 to 126. The provisions of the Mobile
21 Telecommunications Sourcing Act shall apply to this
22 subsection.

23

1 (c) The commission shall administer the monies in the
2 universal service fund to assist only those customers of
3 telecommunications companies located in areas of this state
4 with relatively high rates for noncompetitive essential
5 local exchange services. Services deemed competitive under
6 W.S. 37-15-202(a), (c) or (d) shall not be eligible for
7 universal service fund support under this article. The
8 commission, after notice and opportunity for hearing, shall
9 determine a reasonable amount and a fair method of
10 distributing monies. The commission may authorize a credit
11 to customer bills, in the amount specified by the
12 commission, to reflect distributions received by the local
13 exchange company from the universal service fund. The
14 commission shall ensure that the method shall promote the
15 emergence of competition in providing local exchange
16 service.

17
18 (d) In accordance with the method of distribution
19 determined by the commission, a telecommunications company
20 shall, unless it elects to receive Wyoming universal
21 service funds pursuant to the method set forth in
22 subsection (g) of this section, receive funds under this
23 section to the extent that its noncompetitive essential

1 local exchange service prices, after consideration of any
2 contributions from the federal universal service fund,
3 exceed ~~one hundred thirty percent (130%) of the weighted~~
4 ~~statewide average essential local exchange service prices~~
5 the price benchmark established in subsection (h) of this
6 section.

7
8 (e) The following limitations shall be applied to
9 operation of the universal service fund:

10
11 (i) The operation of the universal service fund
12 may be suspended by the commission, based upon a public
13 interest finding, after notice and an opportunity for a
14 hearing, that the fund is not then serving its intended
15 purpose; ~~;~~

16
17 (ii) In the event that distributions made
18 pursuant to subsection (g) of this section cause total
19 distributions from the universal service fund in any fiscal
20 year to exceed one hundred twenty-five percent (125%) of
21 the amount distributed in fiscal year 2013-2014, the
22 commission shall reduce payments among those electing
23 distributions under subsection (g) of this section, pro

1 rata, so as to reduce the total distribution to one hundred
2 twenty-five (125%) of the fiscal year 2013-2014
3 distribution amount.

4
5 (g) A telecommunications company that undertakes the
6 requirements set forth in this subsection may make a one-
7 time, irrevocable before July 1, 2019, election in writing
8 to the commission to receive Wyoming universal service
9 funds pursuant to this subsection rather than pursuant to
10 subsection (d) of this section. In order to receive funds
11 pursuant to this subsection, the company shall provide
12 essential local exchange service, or its functional
13 equivalent, upon reasonable request throughout the local
14 exchange area of a small rural incumbent carrier at a price
15 not exceeding the price benchmark established in subsection
16 (h) of this section. A telecommunications company which
17 elects to receive Wyoming universal service funds pursuant
18 to this subsection shall receive funds to the extent that
19 its loop costs, as reflected in the company's most recent
20 annual filing of unseparated loop costs filed with the
21 Universal Service Administration Company, exceed the
22 company's most recent annual federal universal service
23 funds receipts and annual local revenues. In calculating

1 annual local revenues the commission shall utilize the
2 imputed price benchmark established in subsection (h) of
3 this section. If an otherwise qualified company elects to
4 receive Wyoming universal service funds pursuant to this
5 subsection, but does not file an annual unseparated loop
6 cost report with the Universal Service Administration
7 Company, it shall file the equivalent information with the
8 commission.

9
10 (h) The price benchmark shall be thirty dollars
11 (\$30.00) until July 1, 2019 unless otherwise adjusted by
12 the commission pursuant to this subsection. On and after
13 July 1, 2019, the commission shall review the price
14 benchmark one (1) time every four (4) years and, after
15 review, shall adjust the benchmark as necessary to assure
16 that it approximates one hundred thirty percent (130%) of
17 the weighted statewide average essential local exchange
18 service price. The commission may change the price
19 benchmark at any time if, after notice and opportunity for
20 a hearing, the commission determines that the price
21 benchmark does not approximate one hundred thirty percent
22 (130%) of the weighted statewide average essential local

1 exchange service price and that the price benchmark should
2 be adjusted by ten percent (10%) or more.

3

4 **Section 2.** This act is effective July 1, 2015.

5

6 (END)